

2005 DRAFTING REQUEST

Bill

Received: **12/22/2004**

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Gunderson (608) 266-3363**

By/Representing: **Mike B**

This file may be shown to any legislator: **NO**

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - fish and game**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gunderson@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Family member use of deceased member's accumulated preference points

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	rnelson2 01/03/2005	kfollett 02/02/2005	rschluet 02/02/2005	_____	lnorthro 02/02/2005		State
/1	rnelson2 02/22/2005	wjackson 02/22/2005	pgreensl 02/23/2005	_____	sbasford 02/23/2005	mbarman 02/28/2005	State
/2	rnelson2 03/09/2005	wjackson 03/09/2005	jfrantze 03/09/2005	_____	lemery 03/09/2005	lemery 03/09/2005	

FE Sent For:

<END>

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12 WJ 3/9
Jb 3/9
Self 3/9
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<END>

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Pre Topic:

No specific pre topic given

Topic:

Family member use of deceased member's accumulated preference points

12/23 Limit to passing to a
"minor"

Instructions:

See Attached

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/?	rnelson2	1P1/gf 2/2		==			

FE Sent For:

<END>

Gibson-Glass, Mary

From: Bruhn, Mike
Sent: Wednesday, December 22, 2004 11:42 AM
To: Gibson-Glass, Mary
Subject: drafting request

Mary,

Representative Gunderson would like Legislation drafted, which would allow the family individuals who have accumulated preference points (for any preference point-based license including bear, otter, etc..), but have passed away prior to using their points or license to donate/transfer that license to another individual. We'd like the restrictions to be the same as 2003 AB 106 (with the exception that the transferee would not have to be a minor). If you have any questions, please feel free to contact me at 266-3363.

Thanks,

Mike Bruhn
Rep. Gunderson's office

03-1003
WA 59

?
minor family
member

2/4

D-Note

Gen

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the transfer of natural resources approvals, preference
2 points, and preference categories and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 29.024 (2) (d) of the statutes is amended to read:

4 29.024 (2) (d) Except as provided under s. 29.180, 29.182 (4), 29.184 (6m), or
5 29.519 (2) (d) or by rule, no person may transfer his or her approval or permit the use
6 of any approval by any other person.

History: 1997 a. 248 ss. 90, 91, 123 to 134, 161; 1997 a. 249 ss. 1, 2; 1999 a. 9, 32; 2001 a. 17, 56, 105, 107, 109; 2003 a. 59, 249.

7 **SECTION 2.** 29.180 of the statutes is created to read:

8 **29.180 Transfers upon death.** (1) In this section:

9 (a) "Approval" means any of the following approvals that the department issues
10 to the resident or nonresident under a random or preference selection system:

1 1. Hunter's choice deer hunting permit.

2 2. Bonus deer hunting permit.

3 3. Bobcat hunting or trapping permit.

4 4. Otter trapping permit.

5 5. Fisher trapping permit.

6 6. Canada goose hunting permit.

7 7. Wild turkey hunting license.

8 8. Sharp-tailed grouse hunting permit.

9 9. Class A bear license.

10 10. Elk hunting license.

11 (b) "Family member" means a person who is related to another person as a
12 parent, child, spouse, or sibling.

13 (c) "Minor" means a person who is at least 12 years of age but under 18 years
14 of age.

15 (2) At the time of application for an approval, or at any time after an application
16 is submitted, the applicant may designate, on a form approved by the department,
17 the primary minor, and alternative minors in order of preference, who shall have the
18 right to apply for a transfer under sub. (3) of an approval, preference points, or
19 preference categories. The applicant may only designate minors who are family
20 members.

21 (3) (a) If a person who has applied for an approval dies before receipt of an
22 approval, the minor designated under sub. (2) may apply to the department to have
23 the department transfer the application and any preference points or preference
24 categories related to an approval that the deceased person was entitled to under the
25 preference selective system.

1 (b) An application for the transfer of the preference points or preference
2 categories of a deceased person must be submitted within one year of the person's
3 death, but any transferred preference points or preference categories may only apply
4 to the applicable hunting or trapping season that begins not less than 30 days after
5 the submittal of the application for the transfer of the preference points or preference
6 categories.

7 (c) If a person who has received an approval dies before the first day of the
8 applicable hunting or trapping season, the minor designated under sub. (2) may
9 apply to the department for the transfer of the approval.

10 (d) An application for the transfer of an approval of a deceased person must be
11 submitted within one year of the person's death.

12 (4) (a) Upon application by a designated minor, and upon payment of any fee
13 required under sub. (4), the department shall transfer the approval, preference
14 points, or preference categories to the designated minor.

15 (5) If the deceased person is a resident and the designated minor applying for
16 the transfer is a nonresident, the designated minor shall pay, at the time of
17 application, the difference between the fee paid by the deceased person and the fee
18 required for a nonresident minor.

19 (6) A designated minor may receive an approval under this section only once.

20 (7) A designated minor who is transferred an approval, preference points, or
21 a preference category under this section retains all preference points or preference
22 categories that he or she has previously accumulated.

23 (8) The department may promulgate any rules necessary for the
24 administration of this section.

25 (END)

D-Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1375/P1dn

RPN: *g*

Date

Please review this draft carefully to ensure that it is consistent with your intent. I suggest that you share this draft with the DNR to ensure its accuracy.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.state.wi.us

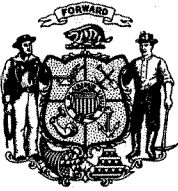
DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1375/P1dn
RPN:kjf:jf

February 2, 2005

Please review this draft carefully to ensure that it is consistent with your intent. I suggest that you share this draft with the DNR to ensure its accuracy.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.state.wi.us



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1375/P1

RPN:kjf:jl

twlj

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2005 B.C.

SOON

Regen

- 1 AN ACT *to amend* 29.024 (2) (d); and *to create* 29.180 of the statutes; relating
- 2 to: the transfer of natural resources approvals, preference points, and
- 3 preference categories and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 4 SECTION 1. 29.024 (2) (d) of the statutes is amended to read:
- 5 29.024 (2) (d) Except as provided under s. 29.180, 29.182 (4), 29.184 (6m), or
- 6 29.519 (2) (d) or by rule, no person may transfer his or her approval or permit the use
- 7 of any approval by any other person.
- 8 SECTION 2. 29.180 of the statutes is created to read:
- 9 **29.180 Transfers upon death.** (1) In this section:
- 10 (a) "Approval" means any of the following approvals that the department issues
- 11 to the resident or nonresident under a random or preference selection system:

1. Hunter's choice deer hunting permit.
2. Bonus deer hunting permit.
3. Bobcat hunting or trapping permit.
4. Otter trapping permit.
5. Fisher trapping permit.
6. Canada goose hunting permit.
7. Wild turkey hunting license.
8. Sharp-tailed grouse hunting permit.
9. Class A bear license.

10. Elk hunting license.

11. *110 Sturgeon spearing license*

(b) "Family member" means a person who is related to another person as a parent, child, spouse, or sibling.

(b)(c) "Minor" means a person who is ~~at least 12 years of age but~~ *eligible to receive an approval or permit and is* under 18 years of age.

(2) At the time of application for an approval, or at any time after an application is submitted, the applicant may designate, on a form approved by the department, the primary minor, and alternative minors in order of preference, who shall have the right to apply for a transfer under sub. (3) of an approval, preference points, or preference categories. The applicant may only designate minors who are family members.

(3) (a) If a person who has applied for an approval dies before receipt of an approval, the minor designated under sub. (2) may apply to the department to have the department transfer the application and any preference points or preference categories related to an approval that the deceased person was entitled to under the preference selective system.

1 (b) An application for the transfer of the preference points or preference
2 categories of a deceased person must be submitted within one year of the person's
3 death, but any transferred preference points or preference categories may only apply
4 to the applicable hunting or trapping season that begins not less than 30 days after
5 the submittal of the application for the transfer of the preference points or preference
6 categories.

7 (c) If a person who has received an approval dies before the first day of the
8 applicable hunting or trapping season, the minor designated under sub. (2) may
9 apply to the department for the transfer of the approval.

10 (d) An application for the transfer of an approval of a deceased person must be
11 submitted within one year of the person's death.

12 (4)(a) Upon application by a designated minor, and upon payment of any fee
13 required under sub. (5), the department shall transfer the approval, preference
14 points, or preference categories to the designated minor.

15 (5) If the deceased person is a resident and the designated minor applying for
16 the transfer is a nonresident, the designated minor shall pay, at the time of
17 application, the difference between the fee paid by the deceased person and the fee
18 required for a nonresident minor.

19 (6) A designated minor may receive an approval under this section only once *for each animal*

20 (7) A designated minor who is transferred an approval, preference points, or
21 a preference category under this section retains all preference points or preference
22 categories that he or she has previously accumulated.

23 (8) The department may promulgate any rules necessary for the
24 administration of this section.

25 (END)

2005 BILL

Insert and

- 1 AN ACT *to create* 29.183 of the statutes, **relating to:** deferral of the use of certain
 2 hunting and trapping approvals by certain members of the armed forces.

Analysis by the Legislative Reference Bureau

Under current law, certain licenses and permits are issued by the Department of Natural Resources (DNR) based on a random or preference selection system, including otter and fisher trapping permits, bonus deer hunting permits, Canada goose hunting permits, Class A bear licenses, wild turkey hunting licenses, and elk hunting licenses. The preference selective system for a wild turkey hunting license, for example, provides that resident landowners are in the first preference category, residents who applied in a previous season are in the second preference category, all other residents are in the third preference category, qualified nonresident landowners are in the fourth preference category, and all other nonresidents are in the fifth preference category.

This bill allows a person who is selected under one of these random or preference selective systems ~~and who is unable to exercise the privilege to hunt or trap granted by the permit or license because the person is serving on active duty in the U.S. armed forces to ask that the permit or license be deferred.~~ If the person ~~asks for a deferral~~ at least the day prior to the beginning of that hunting or trapping season, ~~DNR shall defer the permit or license.~~ Under the bill, a person whose permit or license is deferred has until the calendar year after the calendar year he or she ceased serving in the armed forces to apply for the permit or license that was deferred. The person may apply earlier if he or she is able to exercise the privilege to fish, hunt, or trap.

who has applied for the ~~license~~ ^{permit or} dies before receipt of the license, the designated minor may apply for it. If that license ~~and the deceased person's preference would apply~~ ^{the person who received the permit or license dies on}

the designated minor may apply for the

to designate a minor

dies before using the license

BILL

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

end of ins. and
The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 29.183 of the statutes is created to read:

29.183 Deferral of certain approvals. (1) The department shall defer as provided in sub. (4), upon request from a person who meets the requirements under sub. (2) and who submits a request under sub. (3), any of the following approvals that the department issues to the person under a random or preference selection system:

(a) Hunter's choice deer hunting permit.

(b) Bonus deer hunting permit.

(c) Bobcat hunting or trapping permit.

(d) Otter trapping permit.

(e) Fisher trapping permit.

(f) Canada goose hunting permit.

(g) Wild turkey hunting license.

(h) Sharp-tailed grouse hunting permit.

(i) Class A bear license.

(j) Elk hunting license.

(k) Sturgeon spearing license.

(2) A person shall meet all of the following requirements to be eligible for the deferral of an approval under sub. (1):

(a) Be selected under a random or preference selection system for the issuance of any of the approvals listed in sub. (1).

(b) Be serving on active duty in the U.S. armed forces.

Barman, Mike

From: Bruhn, Mike
Sent: Monday, February 28, 2005 1:46 PM
To: LRB.Legal
Subject: Draft review: LRB 05-1375/1 Topic: Family member use of deceased member's accumulated preference points

It has been requested by <Bruhn, Mike> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-1375/1 Topic: Family member use of deceased member's accumulated preference points



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1375/1

RPN:kjf&wlj:pg

3/9
2005 BILL

1 **AN ACT** ^{Regen} ~~to amend~~ 29.024 (2) (d); and **to create** 29.180 of the statutes; **relating**
2 **to:** the transfer of natural resources approvals, preference points, and
3 preference categories and granting rule-making authority.

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This bill allows a person who is selected under one of these random or preference selective systems to designate a minor to exercise the privilege to hunt or trap granted by the permit or license if the person dies before using the license. If the person who has applied for the permit or licensee dies before receipt of the permit or license, the designated minor may apply for that permit or license and the deceased person's preference would apply. If the person who received a permit or license dies on at least the day prior to the beginning of that hunting or trapping season, the designated minor may apply for the permit or license.

BILL

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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5 **SECTION 2.** 29.180 of the statutes is created to read:

6 **29.180 Transfers upon death.** (1) In this section:

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8 to the resident or nonresident under a random or preference selection system:

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10 2. Bonus deer hunting permit.
11 3. Bobcat hunting or trapping permit.
12 4. Otter trapping permit.
13 5. Fisher trapping permit.
14 6. Canada goose hunting permit.
15 7. Wild turkey hunting license.
16 8. Sharp-tailed grouse hunting permit.
17 9. Class A bear license.
18 10. Elk hunting license.
19 11. Sturgeon spearing license.

20 (1) "Minor" means a person who is eligible to receive an approval or permit and
21 is under 18 years of age.

19 Sept 2-19-07

BILL

1 (2) At the time of application for an approval, or at any time after an application
2 is submitted, the applicant may designate, on a form approved by the department,
3 the primary minor, and alternative minors in order of preference, who shall have the
4 right to apply for a transfer under sub. (3) of an approval, preference points, or
5 preference categories.

6 (3) (a) If a person who has applied for an approval dies before receipt of an
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8 the department transfer the application and any preference points or preference
9 categories related to an approval that the deceased person was entitled to under the
10 preference selective system.

11 (b) An application for the transfer of the preference points or preference
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14 to the applicable hunting or trapping season that begins not less than 30 days after
15 the submittal of the application for the transfer of the preference points or preference
16 categories.

17 (c) If a person who has received an approval dies before the first day of the
18 applicable hunting or trapping season, the minor designated under sub. (2) may
19 apply to the department for the transfer of the approval.

20 (d) An application for the transfer of an approval of a deceased person must be
21 submitted within one year of the person's death.

22 (4) Upon application by a designated minor, and upon payment of any fee
23 required under sub. (5), the department shall transfer the approval, preference
24 points, or preference categories to the designated minor.

BILL

(5) If the deceased person is a resident and the designated minor applying for the transfer is a nonresident, the designated minor shall pay, at the time of application, the difference between the fee paid by the deceased person and the fee required for a nonresident minor.

(6) A designated minor may receive an approval under this section only once for each animal.

(7) A designated minor who is transferred an approval, preference points, or a preference category under this section retains all preference points or preference categories that he or she has previously accumulated.

(8) The department may promulgate any rules necessary for the administration of this section.

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1375/2dn
RPN:kjf&wlj:pg

Mike

I drafted the new language a little ^{differently than} ~~different than~~ we discussed because it was too confusing and may cause gender issues. Is this new language in 29.180 (2) ^{OK?} ~~OK?~~

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.state.wi.us

**2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1375/2ins
RPN:kjf&wlj:pg

1 insert 2-19:

2 (b) "Family" means the parents and sibling^{any}_^ ^s_^.

3 insert 3-5:

4 (Not) If the person dies before he or she designates a minor under this subsection[✓], the
5 person's spouse, or if there is no spouse, the oldest member of the person's family, may
6 designate the minor as provided under this subsection.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1375/2dn
RPN:kjf&wlj:jf

March 9, 2005

Mike:

I drafted the new language a little differently than we discussed because it was too confusing and may cause gender issues. Is this new language in s. 29.180 (2) OK?

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.state.wi.us